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February 11, 2008

Mr. Joe Conley
231 Mine Fork Road
Salyersville, Kentucky 41465

Mr. Randall Hardin
P.O. Box 490
Salyersville, Kentucky 41465

Gregory D. Allen, Esq.
P.O. Box 1536
Salyersville, Kentucky 41465

Re: Case No. 2007-00373
Conley v. Magoffin County Water District

Gentlemen:

The enclosed memorandum has been filed in the record of the above-referenced case. Any comments regarding this memorandum's contents should be submitted to the Commission within five days of receipt of this letter. Any questions regarding this memorandum should be directed to Gerald Wuetcher, Assistant General Counsel, at (502) 564-3940, Extension 259.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Beth O'Donnell".

Beth O'Donnell
Executive Director

gw
Enclosure

INTRA-AGENCY MEMORANDUM
KENTUCKY PUBLIC SERVICE COMMISSION

TO: Case File No. 2007-00373

FROM: Gerald Wuetcher **GW**
Assistant General Counsel

DATE: February 8, 2008

RE: Conference of February 8, 2008

On February 8, 2008, the Commission held a conference in this case in the Commission's offices in Frankfort, Kentucky. Present were:

Joe Conley
Wayne G. Adams
Bill W. May
Randall Hardin
Charles Hardin
Gregory D. Allen

Commission Staff requested the conference to identify undisputed facts and unresolved issues.

Beginning the conference, Mr. Wuetcher stated that Commission Staff would prepare minutes of the conference for the case record, that a copy of these minutes would be provided to all parties, and that all parties would be given an opportunity to submit written comments upon those minutes.

After discussion among the conference participants, Mr. Conley and Mr. Roger Hardin agreed on the following:

- Mr. Randall Hardin resides at 403 Bluegrass Road, Salyersville, Kentucky.
- Mr. Randall Hardin receives his water service from the Salyersville Water Works.
- Mr. Randall Hardin must reside within the territory of Magoffin County Water District to serve on its Board of Commissioners.
- Based upon the Order of November 2, 1974 of the Magoffin County Judge that created the present boundaries of Magoffin County Water District, Mr. Hardin would be

ineligible to serve as a commissioner of Magoffin County Water District if his residence is located within the boundaries of the City of Salyersville as they existed on November 2, 1974.

Mr. Conley and Mr. Randall Hardin stated that they did not have any knowledge of the boundaries of the City of Salyersville as they existed on November 2, 1974. Mr. Allen noted that the Salyersville City Clerk had searched the city records and was unable to locate any boundary maps or documents prior to 1979. Magoffin County Water District is continuing to search for such documents and has requested the assistance of Magoffin County officials. Mr. Hardin and Judge Charles Hardin noted that, as Mr. Conley was the complainant in this matter, he bore the burden of proof and must demonstrate that Mr. Randall Hardin's residence is within the boundaries of the City of Salyersville as they existed on November 2, 1974.

Mr. Wuetcher inquired whether the parties desired a hearing in this matter. Mr. Conley stated that he did not. Mr. Randall Hardin indicated that he and the Magoffin County Water District desired a hearing. Mr. Allen also indicated that, while the Defendants desired a hearing, they also intended to move for dismissal based upon Mr. Conley's failure to demonstrate that Mr. Randall Hardin did not reside within the water district's territory. Mr. Allen expected the motion to be filed before the end of the month.

Mr. Wuetcher stated that Commission Staff would advise the Commission of the parties' preference and obtain a tentative date for a hearing in this matter. Meanwhile, Commission Staff would continue to search for information regarding the boundaries of Salyersville and, if such information is located, provide it to all parties.

The conference then adjourned.

cc: Parties of Record